

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

THEODORE LEBLANC, JR.,

Plaintiff,

v.

ALAMEDA COUNTY JAIL,

Defendant.

No. C 11-01246 CW (PR)

ORDER DENYING PLAINTIFF'S
MOTION FOR REFUND OF MONIES
PAID TOWARD FILING FEE

(Docket no. 13)

Plaintiff, a state prisoner, filed this pro se civil rights action pursuant to 42 U.S.C. § 1983, claiming the violation of his constitutional rights when he was incarcerated at the Alameda County Jail. The Court granted Plaintiff's motion for leave to proceed in forma pauperis (IFP). In so doing, the Court sent to Plaintiff and the Prison Trust Account Office a copy of the Northern District's "Instructions for Payment of Prisoner's Filing Fee," which explain that when a prisoner is granted leave to proceed IFP under 28 U.S.C. § 1915, funds will be deducted from his prison trust account and sent to the court's financial office until the filing fee has been paid in full. Docket no. 3. Additionally, Plaintiff was told in the IFP order that the filing fee for this action is \$350.00. Id.

On September 7, 2011, the Court dismissed the action with prejudice for failure to state a claim upon which relief may be granted. Plaintiff appealed. Subsequently, the Ninth Circuit dismissed the appeal because of Plaintiff's failure to perfect the appeal. Plaintiff moved the Ninth Circuit to reinstate the appeal; the request was denied without prejudice. Docket no. 12.

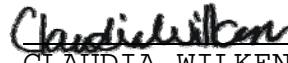
Now pending before this Court is Plaintiff's request that

1 funds withdrawn from his prison trust account and forwarded to the
2 court's financial office to pay his filing fee after his case was
3 dismissed be refunded to him. The request is DENIED. As the Court
4 explained to Plaintiff when he was granted leave to proceed IFP,
5 under 28 U.S.C. § 1915 funds will continue to be withdrawn from his
6 prison trust account and forwarded to the court's financial office
7 until the \$350.00 filing fee has been paid in full.

8 This Order terminates Docket no. 13.

9 IT IS SO ORDERED.

10 DATED: 8/10/2012



CLAUDIA WILKEN

United States District Judge